

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|-----------------|---|------------------------|
| -----X | : | |
| TD BANK, N.A., | : | |
| | : | |
| Plaintiff, | : | |
| | : | 18 Civ. 10608 (VM) |
| - against - | : | |
| | : | <u>JUDGMENT</u> |
| BARBARA MILLER, | : | |
| | : | |
| Defendant. | : | |
| -----X | : | |

VICTOR MARRERO, United States District Judge.

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Decision and Orders dated September 9, 2020, and November 23, 2020, it is hereby

ORDERED that the motion of plaintiff TD Bank, N.A. ("TD Bank") for summary judgment on Count One of the Amended Complaint (Dkt. No. 24) is **GRANTED** in part; and it is further

ORDERED that TD Bank's request for a declaratory judgment that defendant Barbara Miller ("Barbara Miller") received funds from joint bank accounts previously held in the name of Barbara Miller and Michael Miller at UBS Financial Services, Inc. ("UBS") with account numbers ending in -934, -904, and -905(collectively, the "UBS Accounts") subject to TD Bank's claim under the Guaranty of Payment (the "Guaranty Claim") is **GRANTED**; and it is further

ORDERED that final judgment is entered in favor of TD Bank and against Barbara Miller in the amount of \$1,847,304.63, together with prejudgment interest awarded in the Interest Order from the period of September 6, 2020 through November 10, 2020(55 days) at the per diem rate of \$227.13, (\$12,492.15), for a total judgment in the amount of \$2,019,997.46. Interest shall continue to accrue at the post judgment rate set by the State of New Jersey, which interest rate is currently set at 4.5%, and it is further

ORDERED that the transfer of Michael Miller's interest in \$3,478,070.52 in the UBS Accounts to Defendant Barbara Miller is hereby set aside to the extent necessary to satisfy the Guaranty Claim; and it is further

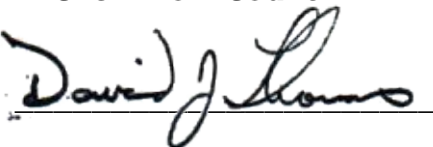
ORDERED that TD Bank is hereby permitted to attach or levy upon Barbara Miller's bank accounts held at UBS, or any other bank account or property in which Barbara Miller has an interest, in order to satisfy this judgment, it is hereby

ORDERED, that judgment is entered in favor of plaintiff TD Bank for an award of fees and costs in the amount of **\$91,887.79**. The award comprises \$3,436.49 in costs, and \$88,451.30 in reasonable attorney's fees, calculated by multiplying the reasonable billing rate of each attorney and support staff by the total hours they expended on the litigation (associate rate of \$250 per hour multiplied by 303.4 hours; partner rate of \$410 per hour multiplied by 3.6 hours; chairman rate of \$509 per hour multiplied by 16.7 hours; and paralegal rate of \$150 per hour multiplied by 17.5 hours).

Dated: New York, New York
November 24, 2020

RUBY J. KRAJICK

Clerk of Court

BY: 

Deputy Clerk